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January 8, 2025

Via ECF

The Honorable James R. Cho
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Gould v. City of New York, et al.*, Case No. 24-cv-1263

Dear Judge Cho:

We are writing to provide a joint report on the status of discovery in the above-referenced case, in accordance with the Court's November 6, 2024 order.

I. Recent Discovery-Related Developments

Below, we summarize the relevant discovery-related developments in the case since the parties' last joint status report on November 5, 2024 (ECF No. 52, the "First Joint Status Report").

1. Document Discovery.

Defendant's Responses to Plaintiffs' Document Requests. As noted in the First Joint Status Report, Defendant City of New York ("Defendant") made its first document production of 40 documents on November 1, 2024, which it asserted satisfied its obligations for four document requests from Plaintiffs' First Set of Requests of Production ("Plaintiffs' RFPs"), dated August 8, 2024. On November 12, 2024, Defendant agreed to produce relevant materials from its internal "Connections" platform concerning Plaintiffs on a rolling basis, with the stated goal of producing all such materials by November 29, 2024. On November 20, 2024, Defendant informed Plaintiffs that it instead would produce those materials on a rolling basis starting December 2, 2024. On December 5, 2024, Defendant produced 143 documents related to some, but not all, Plaintiffs. On December 12, 2024, Defendant served its second supplemental responses and objections to Plaintiffs' RFPs, and Defendant produced two additional documents.

On January 7, 2025, Plaintiffs served their Second Set of Requests for Production on Defendant with requests arising out of the 30(b)(6) deposition described in Section 2 of this Report.

Plaintiffs' Responses to Defendant's Document Requests. On December 2, 2024, Plaintiffs served their responses and objections to Defendant's First Set of Interrogatories and Requests for Production ("Defendant's RFPs"), dated November 1, 2024. On December 30, 2024, Plaintiffs

made their first document production in response to Defendant's RFPs, consisting of 195 documents.

2. *Depositions.*

Defendant's 30(b)(6) Deposition. On August 14, 2024, Plaintiffs issued a deposition notice pursuant to Federal Rule of Civil Procedure 30(b)(6), which included eight topics concerning the recordkeeping and data collection practices of the New York City Administration for Children's Services ("ACS") with respect to the home searches that are the subject of the complaint. On November 20, 2024, Defendant identified ACS Assistant Commissioner Zhanna Margolis as its corporate representative witness to respond to the topics.

The deposition took place on December 17, 2024. On January 3, 2025, Plaintiffs informed Defendant that they are holding open the deposition in light of Ms. Margolis's testimony on the record that there were certain aspects of the 30(b)(6) deposition notice topics the she was not able to address. The parties are in the meet and confer process to schedule one or more further 30(b)(6) deposition(s) to cover the outstanding topics not covered by Ms. Margolis's testimony.

Plaintiffs' Depositions. On November 20, 2024, Defendant informed counsel for Plaintiffs that it intended to initially depose three named Plaintiffs in advance of Plaintiffs' forthcoming class certification motion, while reserving the right to schedule further depositions if necessary. The first Plaintiff depositions will be: (1) Ebony Gould, (2) Shalonda Curtis-Hackett, and (3) Marianna Azar. The parties are confirming the deposition dates, with the expectation that the depositions will take place in February 2025.

II. Discovery-related Disputes

Pursuant to Fed. R. Civ. P. 37(a)(1) and Local Civil Rule 37.3(a), the parties are making good faith efforts to resolve a number of preliminary discovery-related disputes, including through a meet and confer held on January 8, 2025. Notwithstanding these efforts, the parties anticipate that there may be disputes that require resolution by this Court.

Accordingly, if and as necessary, the parties anticipate submitting a joint letter setting forth any such disputes, pursuant to Rule F(4) of this Court's *Individual Practices*, by no later than Friday, January 31, 2025. Pursuant to that rule, the parties request that the Court schedule a conference to discuss any such disputes on any date in the week of February 17, 2025, or otherwise on a date of the Court's earliest convenience.

III. Settlement

Plaintiffs remain open to mediation and/or settlement. Defendant does not believe that a referral for mediation or a settlement conference would be productive at this juncture.

Dated: New York, New York
January 8, 2025

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